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7 Counsel for Defendants

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 HANY M. ABDOU,

12 Plaintiff,

13 v.

14 MICHAEL CHERTOFF, Secretary,))
Department of Homeland Security; EMILO))
15 GONZALEZ, Director, United States))
Citizenship and Immigration Services;))
16 PAUL PIERRE, District Director, U.S.))
Citizenship and Immigration Services, San))
17 Diego District; CHRISTINA POULOS,))
Director, U.S. Citizenship and Immigration))
18 Services, California Service Center;))
MICHAEL B. MUKASEY, U.S. Attorney))
19 General; ROBERT MUELLER, Director,))
Federal Bureau of Investigation,))

20 Defendants.)
21)

Case No. 07cv2292-BTM (NLS)

JOINT MOTION TO REMAND TO USCIS

22 COME NOW THE PARTIES, Plaintiff Hany Abdou, by and through his counsel, Leah W.
23 Hurwitz, and Defendants Michael Chertoff, Secretary, U.S. Department of Homeland Security, et al., by
24 and through their counsel, Karen P. Hewitt, United States Attorney, and Megan Callan, Assistant United
25 States Attorney, and hereby jointly move the Court to remand this case to United States Citizenship &
26 Immigration Services ("USCIS") for adjudication.

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28 //

1 Plaintiff applied for naturalization under 8 U.S.C. § 1421 et seq. on or about November 8, 2005.
 2 Plaintiff complains that Defendants have failed to process his application in a timely manner and prays
 3 this Court order the adjudication of his application or otherwise order the expedition of the administrative
 4 processing of his naturalization application.

5 The Federal Bureau of Investigation ("FBI") informed Plaintiff through counsel that his FBI
 6 background check is complete, therefore any claims against the FBI are now moot. USCIS informed
 7 Plaintiff through counsel that USCIS is prepared to adjudicate his application. Remand to USCIS is
 8 required in order for the agency to adjudicate. *See United States v. Hovsepian*, 359 F.3d 1144, 1160-61
 9 (9th Cir. 2004) (en banc).

10 Therefore, the parties jointly request that the Court remand this case to USCIS for adjudication.
 11 In the event that USCIS does not adjudicate Plaintiff's application for naturalization within 30 days of
 12 the entry of remand order, Defendants do not object to Plaintiff being granted 30 days leave to amend
 13 his Complaint before this Court.

14 Based upon the foregoing, it is respectfully requested that the Court enter an order remanding this
 15 case to USCIS.

16
 17 Dated: March 13, 2008 s/ Leah W. Hurwitz
 18 Counsel for Plaintiff
 E-Mail: lhurw8000@aol.com

19 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures
 20 of the United States District Court for the Southern District of California, I certify that the content of this
 21 document is acceptable to counsel for the Plaintiff and that I have obtained authorization from Leah
 22 Hurwitz to affix her electronic signature to this document.

23 Dated: March 13, 2008 Respectfully Submitted,
 24 KAREN P. HEWITT
 United States Attorney
 25 s/ Megan Callan
 26 MEGAN CALLAN
 Assistant U.S. Attorney
 Counsel for Defendants
 27 Email: Megan.Callan@usdoj.gov
 28

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7 Counsel for Defendants

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 HANY M. ABDOU,)	Case No. 07cv2292-BTM (NLS)
)	
12 Plaintiff,)	
)	
13 v.)	PROOF OF SERVICE
)	
14 MICHAEL CHERTOFF, Secretary,)	
Department of Homeland Security; et al,)	
15)	
Defendants.)	
16)	

17 IT IS HEREBY CERTIFIED THAT:

18 I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My
business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

19 I am not a party to the above-entitled action. I have caused service of: JOINT MOTION TO
20 REMAND TO USCIS on the following party by electronically filing the foregoing with the Clerk of the
District Court using its ECF System, which electronically provides notice.

21 Leah W. Hurwitz
22 Counsel for Plaintiff
E-Mail: lhurw8000@aol.com

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed on March 13, 2008.

25 s/ Megan Callan
26 Megan Callan
27
28